

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2325

THIS DOCUMENT RELATES TO:

Raspante v. American Medical Systems, Inc., et al.

Civil Action No. 2:14-xc-00432

ORDER

(Dismissing Defendant American Medical Systems, Inc. without Prejudice
and Transferring Case to MDL 2327)

Pending is a Stipulation of Dismissal Without Prejudice filed by the plaintiff and American Medical Systems, Inc. (“AMS”) [ECF No. 12] and Plaintiff’s Motion to Transfer MDLs. [ECF No. 12]. The Stipulation seeks dismissal of AMS as a defendant in this action without prejudice, and the Plaintiff’s Motion to Transfer requests transfer from MDL 2325 to MDL 2327. There has been no response to either filing.

After careful consideration, it is **ORDERED** that

- (1) Defendant AMS is **DISMISSED WITHOUT PREJUDICE** as a defendant in this action;
- (2) Plaintiff’s Motion to Transfer is **GRANTED**;
- (3) this case is **TRANSFERRED** to MDL 2327;
- (4) pursuant to AMS MDL Pretrial Order No 249 as amended by PTO No 255 (Amended Docket Control Order – American Medical Systems, Inc. Wave 3 Cases), which states the following,

Transfer of any Wave 3 case to any other MDL, whether by ruling upon a

motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. ("Bard"), Boston Scientific Corporation ("BSC") or Ethicon, Inc. ("Ethicon") MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

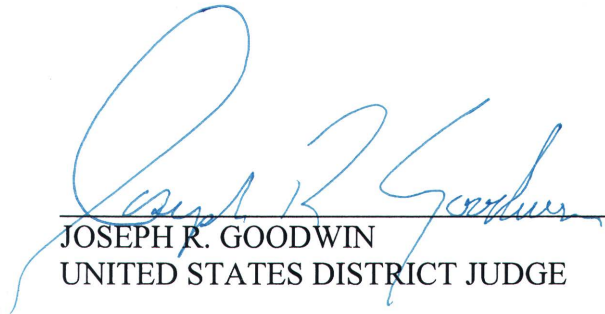
This case, which resided in AMS Wave 3, is now subject to PTO Nos. 280 and 303 entered in MDL 2327; and

(5) to the extent an Amended Short Form Complaint has not been filed, the court **DIRECTS** plaintiff's counsel to file the appropriate Amended Short Form Complaint within two weeks of the date of this Order.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate this civil action as a member case in MDL 2325 and re-associate it with MDL 2327;
- (2) file MDL 2327, PTO Nos 280 and 303 in the individual case;
- (3) change the 2325 Wave 3 flag to MDL 2327 Wave 8 flag; and
- (4) send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 28, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE